

CAROL A. SOBEL SBN 84483
LAW OFFICE OF CAROL A. SOBER
429 Santa Monica Boulevard, Ste. 550
Santa Monica, California 90401
t. 310 393-3055 f. 310 393-3605
e. carolsobel@aol.com

REBECCA F. THORNTON SBN 231128
LAW OFFICE OF REBECCA F. THORNTON
429 Santa Monica Boulevard, Ste. 550
Santa Monica, California 90401
t. 310 393-3055 f. 310 393-3605
e. rebecca@humanrightsesq.com

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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA - Western Division

DEBORAH BURTON and STEVE
RICHARDSON,

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity, SGT. ZUNIGA and Sgt. Wiggins,
in their individual capacities,
DOES 1-10, in their individual capacities

Defendants.

CASE NO:

CV 09-8636

COMPLAINT: CIVIL RIGHTS

FIRST AMENDMENT

FOURTH AMENDMENT

CALIFORNIA CONSTITUTION

CALIFORNIA CIV. CODE §52.1

CALIFORNIA CIV. CODE §51.7

FALSE ARREST/IMPRISONMENT

JURY DEMAND

JFW(FFMx)

JURISDICTION AND VENUE

1. This is an action for injunctive relief pursuant to 42 U.S.C. § 1983, as well as damages, based upon the ongoing violations by the defendants of the rights secured to plaintiffs by the First, Fourth, and Fourteenth Amendments of the United States Constitution. This Court has jurisdiction over plaintiffs' claims pursuant to 28 U.S.C. § 1331 (in that the claims pose a federal question, arising under the federal Constitution); § 1343(a)(3) (in that it is brought to redress deprivations, under color of state law, of rights, privileges and immunities secured by the United States Constitution); and under § 1343(a)(4) (in that the Complaint seeks to secure

1 equitable relief under an Act of Congress providing for the protection of civil rights,
2 specifically under 42 U.S.C. § 1983); and the Declaratory Judgment Act, 28 U.S.C.
3 §§ 2201(a) and 2202. The Court has supplemental jurisdiction over the state law
4 claims pursuant to 28 U.S.C. § 1367.

5 2. Venue is proper in the Central District of California under 28 U.S.C.
6 § 1391(b). Defendants are located in the Central District, and all of the acts and/or
7 omissions which give rise to the claims herein occurred, or will occur, in this
8 District.

9 STATEMENT OF FACTS

10 3. This case arises from the reprisals by the Los Angeles Police
11 Department ("LAPD") against residents and individuals on Los Angeles' Skid Row.
12 Over the past several years, officers have repeatedly targeted members of the Los
13 Angeles Community Action Network ("LA CAN") as staff and volunteers have
14 taken to the streets of Skid Row to document police conduct in public fora.
15 Apparently believing that if they foreclose documentation of police actions, the
16 LAPD will be able to continue its assault on Skid Row unabated, officers have
17 threatened arrest and have in several instances arrested community activists as they
18 brought their personal observations and cameras to bear on suspicionless stops of
19 low-income residents on the streets of Skid Row.

20 4. The arrest of plaintiff Deborah Burton, a staff member of LA CAN
21 occurred on or about September 9, 2008, as she was lawfully and peacefully
22 observing the police roust individuals who were homeless and who were sleeping
23 on Wall Street, across the street from the Central Community Police Station, at
24 approximately 5:30 in the morning. The persons who were homeless were sleeping
25 on the sidewalk pursuant to the agreement in *Jones v. City of Los Angeles*, 444 F.3d
26 1118 (2006), vacated pursuant to settlement, 505 F.3d 1006 (9th Cir. 2007), which
27 challenged Los Angeles Municipal Code ("LAMC") § 42.18(d), criminalizing
28 sleeping, sitting or lying on any street or sidewalk at any time of the night or day

1 unless watching a permitted parade. In the settlement agreement in *Jones*, the City
2 agreed to suspend enforcement of Los Angeles Municipal Code § 42.18(d) between
3 the hours of 9:00 p.m. and 6:00 a.m.

4 5. BURTON, armed with a clip board and a pad on which she was taking
5 notes, was accompanied by another LA CAN volunteer who was videotaping the
6 police activity. During the time that Ms. Burton was present at this site, observing
7 the police, she was asked several times to move back from where the police were
8 searching people. Although she was at a considerable distance from the officers
9 already, she complied with the order to move farther away each time it was given.
10 When she was standing at the corner of 6th & Wall, she was approximately 30 feet
11 away from the officers, with pedestrians freely moving back and forth on the
12 sidewalk just a few feet from the officers conducting the detentions and searches on
13 on Wall Street. In addition, several individuals who had been sleeping on the
14 sidewalk, but who were not subjected to detention and search, were permitted to
15 remain in the area even though they were much closer to the police action. After a
16 significant amount of time passed, defendant Sgt. ZUNIGA arrived at the scene and
17 ordered Ms. BURTON to move even farther away. When BURTON asked why she
18 and the videographer were being ordered to move when others were permitted to
19 pass freely and closer to the officers, Sgt. ZUNIGA told her she was under arrest,
20 had her handcuffed, and transported to Central Station for booking. Once there, Ms.
21 BURTON was subjected to abusive interrogation regarding purported gang
22 affiliation. Ultimately, she was released without charge, with defendant ZUNIGA
23 threatening her that the next time he told her to move she had better do so.

24 6. The most recent unlawful detention of plaintiff RICHARDSON
25 occurred on the evening of March 27, 2009 as he was walking southbound on Main
26 Street, between 5th and 6th Street. RICHARDSON first observed a police squad car
27 traveling northbound on Main Street stop in front of three black males near the
28 Sanborn Hotel. After a short time, RICHARDSON observed that the three males

1 were permitted to walk away. As the vehicle continued northbound on Main Street
2 and neared RICHARDSON, the officer in the passenger seat shone his flashlight in
3 RICHARDSON's face. RICHARDSON asked that the officer not shine the light
4 in his face and kept walking. Almost immediately, RICHARDSON heard a vehicle
5 pulling up beside him. The officer who had shined the light in his face now got out
6 of the car and ordered him to "hit the wall." When RICHARDSON asked why he
7 was being ordered to do so, the officer responded that "we just want to talk." In
8 reply, RICHARDSON said he would talk, but he was not getting up against the
9 wall. At this point, the officer in the driver's seat got out and screamed at
10 RICHARDSON to hit the wall. RICHARDSON refused to do so and requested that
11 a supervisor be called. The Asian male officer called on his radio and within
12 approximately 2 minutes, a dozen or more LAPD squad cars arrived at the scene,
13 including Sgt. WIGGINS. RICHARDSON observed WIGGINS speaking with the
14 officers who initially stopped him and heard them state, falsely, that
15 RICHARDSON was mad and agitated and that RICHARDSON punched his fist
16 into his hand as he stated he would not get up against the wall. In response to
17 hearing this, RICHARDSON informed WIGGINS that the officers' statements were
18 not true and that, in fact, RICHARDSON had said he would not let them criminalize
19 him for being black and walking on Main Street. In any event, even if the officers'
20 allegations were true, they did not support reasonable or probable suspicion to stop
21 RICHARDSON nor to escalate the initial stop to a prolonged detention.

22 7. The Asian officer then asked whether RICHARDSON was on parole
23 or probation and, when RICHARDSON answered that he was on neither, the officer
24 demanded his identification and ran a wants and warrants check, even though there
25 was no reasonable suspicion to detain RICHARDSON in the first place and no
26 reasonable suspicion to believe that RICHARDSON had any wants/warrants. The
27 same officer then told RICHARDSON he could avoid this situation the next time
28 if he just got up against the wall when an officer tells him to do so, despite the fact

1 that the officer acted unlawfully and without probable cause and/or reasonable
2 suspicion to make the stop in the first place. RICHARDSON was detained by
3 nearly two dozen officers for a lengthy period of time.

4 8. During the time that RICHARDSON was detained, other members of
5 LA CAN arrived on the scene to document the event. The entire incident occurred
6 near LA CAN's office as the organization was in the process of moving one block
7 from its prior location. The officers knew that RICHARDSON was with LA CAN
8 and, in fact, at least some, if not all of the officers, knew of RICHARDSON's
9 participation in the Community Watch program to document police activity on Skid
10 Row.

11 9. The arrest of Deborah Burton and the detention of Steve Richardson
12 are not isolated experiences. In February, 2008, LA CAN co-director Pete White
13 was arrested while photographing officers in a squad car in a public place. Plaintiff
14 Steve RICHARDSON was arrested at the same time when he refused to stop
15 videotaping the arrest of White, even though he produced identification, had not
16 "jaywalked" as accused since he arrived from a different direction on his bicycle,
17 had no wants or warrants, and was no closer to the arrest location than a host of
18 other pedestrians in the area. Previous to this arrest, on January 18, 2008,
19 RICHARDSON was videotaping an incident involving 3 LAPD officers and 3
20 community residents when defendant Sergeant ZUNIGA exited his patrol car,
21 walked up to RICHARDSON and pushed him in the chest, shouting "back up, get
22 back." Except for the shove, this is almost precisely what defendant ZUNIGA did
23 to defendant BURTON when he arrested her. At the time, RICHARDSON was
24 shoved by ZUNIGA, he was a considerable distance from the officers he was
25 videotaping and was neither interfering with the officers nor blocking the sidewalk.
26 RICHARDSON informed an officer who was present, that he wanted to arrest Sgt.
27 ZUNIGA for striking him, but that officer refused to take RICHARDSON's
28 complaint. This was the third time that ZUNIGA had attacked RICHARDSON for

1 videotaping police activity on Skid Row.

2 10. On February 5, 2008, RICHARDSON was walking north on Stanford
3 and 1st Streets when he observed 4 police cars and 6 LAPD officers surrounding 2
4 homeless residents. RICHARDSON stopped and started videotaping the incident
5 when an officer walked up to him and “keep walking or go back.” When
6 RICHARDSON asserted his right to film the police in a public place, the officer
7 demanded his identification and ran RICHARDSON’s information for wants and
8 warrants, as another officer had done just 4 days earlier. When the officer
9 approached RICHARDSON and ordered him to leave, RICHARDSON was about
10 20 feet from the officers surrounding the 2 homeless residents, whom they had
11 unlawfully detained.

12 11. On April 10, 2008, plaintiff RICHARDSON was arrested when he,
13 along with LA CAN members Joe Thomas and Herman Jones, were stopped just a
14 block from the CANGRESS office, ordered out of their car, and searched on the
15 allegation that they “fit the description” of black males purportedly engaged in drug
16 sales on Skid Row. RICHARDSON, along with Thomas and Jones, were
17 responding to a report that the police had handcuffed and were searching a black
18 woman at 5th and Los Angeles streets. Both Thomas and RICHARDSON took
19 cameras with them to the scene and Jones arrived in his vehicle. After the woman
20 was released, LA CAN members spoke with her and she explained that the police
21 had stopped and searched her on suspicion of drugs, found nothing, and then
22 released her.

23 12. Thomas, Jones and RICHARDSON then got into Jones’ car and started
24 to drive away to continue their Community Watch program, monitoring police
25 activity. The vehicle traveled only a short distance and was stopped at a red light
26 when the three were subjected to a felony stop. The police drew their weapons,
27 handcuffed all three occupants of the car, and then searched them. After the three
28 were handcuffed, Thomas was dragged down the street and hit by officers, while

1 RICHARDSON was choked and held down by multiple officers. Both suffered
2 injuries as a result of this conduct by the officers. When other LA CAN activists
3 and community witnesses arrived and started to document the incident, the police
4 stopped and released Jones and Thomas, but RICHARDSON was arrested and
5 charged with "resisting arrest." Specifically, RICHARDSON was accused of
6 grabbing two fingers of an officer while multiple officers had RICHARDSON
7 handcuffed behind his back.

8 13. In all, there were approximately a dozen officers present at the scene.
9 All but two refused to give their name and badge numbers, including the ranking
10 officer on the scene. RICHARDSON was charged with a violation of California
11 Penal Code §69, "Obstructing, resisting" an officer, and held to answer on August
12 11, 2008. On November 26, 2008, all charges against him were dismissed. His
13 arrest report was prominently stamped with a logo that stated: "GANG MEMBER
14 ARREST."

15 PARTIES

16 Plaintiffs:

17 14. Plaintiff Deborah BURTON is a staff member of LA CAN. She was
18 detained, handcuffed, arrested and accused of being a gang member on September
19 9, 2008, as she was observing and making notes concerning police activity Burton
20 believed to be a violation of the settlement agreement in *Jones v. City of Los*
21 *Angeles*, establishing a safe time zone in which persons without shelter may sleep
22 on sidewalks and not risk arrest. Although she was never charged, she was
23 threatened with future arrests if she did not comply with police orders to move in
24 the future. At the time of her arrest, Burton was approximately 20-30 feet from the
25 nearest officer, making notes on a pad, and the roadway and sidewalk were both
26 open to and traversed by pedestrians and other individuals who had been sleeping
27 on the sidewalk.

28

1 15. STEVE RICHARDSON is a staff member of LA CAN. He was
2 detained without reasonable suspicion and/or probable cause on March 27, 2009
3 when he was surrounded by nearly two dozen officers after he refused to comply
4 with an unlawful order to get against the wall to be searched and, no doubt,
5 handcuffed. Previously he has been the subject of numerous and frequent
6 detentions and arrests as a result of the policies and practices complained of herein.
7 For example, he was handcuffed and cited on February 1, 2008 for allegedly
8 walking across the crosswalk on a red light when he stopped on his bicycle to
9 videotape the arrest of plaintiff WHITE. He was cited and arrested in February
10 2006, while videotaping police activity, and his video camera has been searched
11 without his permission by officers with the Los Angeles Police Department. He was
12 arrested on April 10, 2008 after a purported drug stop when he was with LA CAN
13 members Joe Thomas and Herman Jones. The charges were dismissed in late 2008.

14 **Defendants:**

15 16. Defendant CITY OF LOS ANGELES (hereinafter "CITY") is a
16 municipal entity, organized as a Charter City under the laws of the State of
17 California, with the capacity to sue and be sued. The CITY is the legal and political
18 governmental entity responsible for the actions of the Los Angeles Police
19 Department, its officials, agents, and employees. The CITY is sued in its own right,
20 and on the basis of the acts of its officials, agents, and employees.

21 17. Sergeant F. ZUNIGA, #25122, is a supervisor with the LAPD.
22 ZUNIGA ordered the arrest of plaintiff BURTON. He is named as a defendant in
23 the case captioned *CANGRESS, et al. v. City of Los Angeles, et al.*, cv 08-01191
24 DDP (RZx) based on allegations that he responded to the scene of the detention and
25 arrest of WHITE and RICHARDSON on February 1, 2008 and directed the arrest
26 and transport of WHITE. On prior occasions, ZUNIGA has targeted, threatened
27 and/or assaulted RICHARDSON as he lawfully videotaped police activity in public
28 places on Skid Row. ZUNIGA is also the supervisor who caused the arrest of, and

1 threatened, plaintiff BURTON as she was lawfully observing police activity. He is
2 sued in his official and individual capacity.

3 18. Sergeant WIGGINS is a supervisor with the LAPD who responded to
4 the scene of the detention of RICHARDSON on March 27, 2009. He is named as
5 a defendant in the case captioned *CANGRESS, et al. v. City of Los Angeles, et al.*,
6 cv 08-01191 DDP (RZx) WIGGINS directed, ratified and/or failed to intervene to
7 prevent officers from detaining RICHARDSON and engaging in an unlawful
8 questioning and check of RICHARDSON. WIGGINS also directed, ratified and or
9 condoned the threat made to RICHARDSON that he had to get up against the wall
10 the next time an officer told him to do so, even if there was neither reasonable
11 suspicion nor probable cause to issue such an order, or face further police action.
12 He is sued in his official and individual capacity.

13 19. Defendants DOE 1-10 are officers with the LAPD, who were involved
14 in the detention and/or arrest of plaintiffs. Plaintiffs are ignorant of the true names
15 and capacities of defendants sued herein as DOES 1-10, inclusive, and therefore sue
16 these defendants by such fictitious names. DOES 1-10 are sued on the basis that
17 one or more of the DOE defendants participated in and/or failed to prevent the
18 detention and arrest of plaintiffs while plaintiffs were engaged in lawful First
19 Amendment activity, and that one or more of the DOE defendants used force to
20 detain, handcuff and arrest the plaintiffs without probable cause. Plaintiffs will
21 amend this complaint to allege the true names and capacities of each of the DOE
22 defendants as such information is ascertained. Plaintiffs are informed and believe
23 and based thereon allege that defendants DOES 1-10 are responsible in some
24 manner for the damages and injuries the plaintiffs suffered.

25 GENERAL ALLEGATIONS

26 20. Each of the acts complained of herein was taken, and each violation of
27 plaintiffs' rights occurred, pursuant to the policies, practices, or customs of the
28 LAPD.

21. In doing each of the constitutional violations complained of herein, defendants, their officials, agents, and employees were acting under color of law.

22. Plaintiffs are informed and believe and on such basis allege that at all times relevant to this action, each of the individual defendants, including DOES 1 through 10, were the agents, servants and/or employees of the defendant CITY, and were acting all times within the scope of their agency and employment and with the knowledge and consent of their principal and employer, the City of Los Angeles.

23. The acts of defendants were done with malice toward plaintiffs based on the fact that plaintiffs are associated with LA CAN and were documenting police activity in public places and was done to deter or prevent plaintiffs from exercising their right to observe and monitor police activity in public places. Each plaintiff has timely filed a claim for damages with the defendant CITY, pursuant to Government Code section 910, et seq. Each claim so filed has been expressly denied or, as in the case of plaintiff BURTON, denied by operation of law as the CITY has failed to grant or deny the claim within the statutory time period allowed.

FIRST CAUSE OF ACTION

FIRST AMENDMENT AND 42 U.S.C. § 1983;

CALIF. CONSTITUTION, ART. I, sec. 2 and 3

Violation of the Right of Speech, Assembly and Association

24. Plaintiffs reallege and incorporate herein by reference the allegations contained previously and subsequently in this Complaint.

25. The conduct of the defendants violates, and was taken in retaliation for, plaintiffs exercise of their First Amendment rights to observe the police in public places and to collect information concerning the activity of government officials without suffering threats and arrests for doing so. Defendants' threats against plaintiffs and other employees and members of LA CAN other than the named individual plaintiffs, as well as the detention and/or handcuffing and arrest of LA

1 CAN employees and members, as here, violates the First Amendment rights of
2 speech, assembly and association of the individual named plaintiffs.

3 26. As a direct result of defendants' unlawful conduct, plaintiffs have
4 suffered violations of their First Amendment rights. Plaintiffs have fear and
5 apprehension that they will continue to be subject to defendants' unlawful efforts
6 to deter and prevent plaintiffs from engaging in First Amendment protected activity
7 by standing in public fora and documenting police activity on Skid Row, or stopped
8 and detained on the basis of their association with LA CAN.

9 27. As a direct and proximate consequence of defendants' unlawful
10 actions, plaintiffs have suffered damages, including loss of their constitutional
11 rights, pain and suffering, humiliation and embarrassment. Plaintiffs are entitled
12 to compensatory damages and punitive damages against the individual defendants
13 as permitted by law.

14
15 **SECOND CAUSE OF ACTION**

16 **FOURTH AMENDMENT AND 42 U.S.C. § 1983;**

17 **CALIF. CONSTITUTION, ART. I, sec. 7, 13**

18 **Violation of the Right to Be Free from Unreasonable Seizure**

19 28. Plaintiffs reallege and incorporate herein by reference the allegations
20 contained previously and subsequently in this Complaint.

21 29. The acts by defendants described above constitute violations of
22 plaintiffs' right to be free from an unreasonable seizure as guaranteed by the Fourth
23 Amendment to the U.S. Constitution. Defendants seized and/or handcuffed and
24 arrested the individual plaintiffs without reasonable suspicion or probable cause and
25 neither plaintiff presented any threat to the officers.

26 30. As a direct result of defendants' unlawful conduct, plaintiffs have
27 suffered violations of their Fourth Amendment rights. Plaintiffs have fear and
28 apprehension that they will continue to be subject to violations of their Fourth

1 Amendment rights as a result of defendants' unlawful efforts to deter and prevent
2 plaintiffs from engaging in First Amendment protected activity by standing in
3 public fora, observing and documenting police activity on Skid Row. Plaintiffs are
4 entitled to compensatory damages and punitive damages against the individual
5 defendants, as permitted by law.

6 31. As a direct and proximate consequence of defendants' unlawful
7 actions, plaintiffs have suffered damages, including loss of their constitutional
8 rights, pain and suffering, humiliation and embarrassment.

9
10 **THIRD CAUSE OF ACTION**
11 **INJUNCTIVE RELIEF**

12 32. Plaintiffs reallege and incorporate herein by reference the allegations
13 contained previously and subsequently in this Complaint.

14 33. Defendants have engaged in a course of unlawful conduct aimed at
15 deterring and preventing plaintiffs from documenting police activity on Skid Row
16 and acting under color of law based on the association of the individual plaintiffs
17 with LA CAN. As part of that unlawful course of conduct, defendants have
18 repeatedly attempted to intimidate plaintiffs and ordered plaintiffs to move when
19 they are lawfully on the sidewalk, observing, photographing and/or videotaping
20 police activity, and detained, cited and arrested plaintiffs when they have asserted
21 their protected First Amendment rights.

22 34. Plaintiffs want to continue observing and documenting police activity
23 in public places in the immediate future, but are fearful they will suffer repeated
24 violations of their rights due to defendants' policies, practices or customs when they
25 are on the streets of Skid Row.

26 35. Plaintiffs have suffered irreparable harm and, absent extraordinary
27 relief from this Court, will continue to suffer irreparable harm by being subjected
28 to unwarranted and unlawful violations of their First and Fourth Amendment rights.

1 Damages will not be an adequate remedy at law because damages cannot adequately
2 compensate plaintiffs for the loss of their fundamental Constitutional rights. An
3 actual controversy has now arisen and exists between plaintiffs and defendants
4 regarding the challenged policies, practices or customs implemented and engaged
5 in by defendants with respect to plaintiffs' documentation of police activity on Skid
6 Row. Plaintiffs contend that defendants are engaging in unconstitutional conduct
7 in violation of the First and Fourth Amendments to the U.S. Constitution, in an
8 apparent effort to harass and intimidate advocates for the homeless as defendants
9 engage in a sweeping suppression effort to drive the homeless from Skid Row.

10 36. Plaintiffs are informed and believe, and on that basis allege that
11 defendants dispute these contentions and contend otherwise.

12 37. Plaintiffs desire and request a judicial determination of their
13 constitutional rights and the constitutional limitations of conduct by defendants, and
14 specifically that plaintiffs' contentions regarding the First Amended protected
15 nature of their activity, as set forth above, are correct.

16 38. This declaration is necessary and appropriate at the present time in
17 order to set at rest the constitutional rights and obligations of the parties.

18
19 **FOURTH CASE OF ACTION**
20 **THREATS, INTIMIDATION OR COERCION**
21 **(California Civil Code Section 52.1)**

22 39. Plaintiffs reallege and incorporate herein by reference the allegations
23 contained previously and subsequently in this Complaint.

24 40. The Defendants by their conduct interfered by threats, intimidation, or
25 coercion, or attempted to interfere by threats, intimidation, or coercion, with the
26 exercise or enjoyment of Plaintiffs' rights as secured by the First and Fourth and
27 Amendments to the United States Constitution and of the rights secured by the
28 Constitution and laws of the state of California, including but not limited to

1 California Constitution Art. I, sec. 2, 3, 7 and 13 and California Civil Code §51.7.

2 41. There was no lawful justification for defendants to threaten, intimidate
3 or coerce any of the plaintiffs, or to attempt to use threats, intimidation or coercion
4 to interfere with Plaintiffs' rights to be present at and document policy activity in
5 public places in Skid Row. Defendants' actions were taken with malice and
6 oppression to deter and/or prevent plaintiffs' from exercising their protected First
7 Amendment rights and in retaliation for the exercise of those rights.

8 42. As a direct and proximate consequence of defendants' actions,
9 plaintiffs suffered, and continue to suffer pain and suffering, humiliation and
10 embarrassment and are entitled to injunctive relief and compensatory damages for
11 injury to their person, and punitive damages against the individual defendants as
12 permitted by law.

13
14 **FIFTH CAUSE OF ACTION**
15 **FREEDOM FROM VIOLENCE OR INTIMIDATION**
16 **(California Civil Code Section 51.7)**

17 43. Plaintiffs reallege and incorporate herein by reference the allegations
18 contained previously and subsequently in this Complaint.

19 44. Plaintiffs have a right to be free from violence or intimidation in the
20 exercise of their protected rights. Defendants' actions violated plaintiffs' rights to
21 be free from violence, or intimidation by threat of violence, committed against their
22 person because of political affiliation with LA CAN, or because defendants
23 perceived Plaintiffs to have a specific political affiliation.

24 45. Defendants' unlawful actions were done willfully, maliciously, and
25 with the specific intent to touch Plaintiffs without consent and cause them harm.

26 46. As a direct and proximate consequence of Defendants' actions,
27 plaintiffs suffered, and continue to suffer, pain and suffering, humiliation and
28 embarrassment and are entitled to compensatory damages for injury to their person,

1 as well as punitive damages against the individual defendants as permitted by law.

2 **SIXTH CAUSE OF ACTION**
3 **FALSE IMPRISONMENT/FALSE ARREST**

4 **(By All Plaintiffs)**

5 47. Plaintiffs reallege and incorporate herein by reference the allegations
6 contained previously and subsequently in this Complaint.

7 48. Defendants detained and/or arrested Plaintiffs without probable cause
8 or lawful justification. Plaintiffs RICHARDSON and BURTON were confined by
9 defendants against their will.

10 49. As a direct and proximate consequence of defendants' actions,
11 plaintiffs suffered, and/or continue to suffer, pain and suffering, humiliation and
12 embarrassment and, therefore, are entitled to compensatory damages for injury to
13 their person, as well as punitive damages against the individual defendants as
14 permitted by law.

15
16 WHEREFORE, Plaintiffs pray for relief as follows:

17 1. A preliminary and permanent injunction, enjoining defendants, their
18 officers, agents and employees from interfering with plaintiffs' constitutionally
19 protected rights under the First and Fourth Amendments and the analogous
20 provisions of the California Constitution;

21 2. For a declaration that defendants' past, present and threatened future
22 actions violate Plaintiffs' rights to speech, assembly and association under the First
23 Amendment and to be free from unreasonable seizure under the Fourth Amendment
24 and the analogous provisions of the California Constitution;

25 3. For costs of suit pursuant to 28 U.S.C. § 1920. 42 U.S.C. § 1988 and
26 California Civil Code §§ 52.1(h) and 1021.5;


27 4. For attorneys' fees pursuant to 42 U.S.C. § 1988, California Civil Code
28

1 §§ 1021.5 and 52.1(h); and

2 5. For other such relief as this Court deems just and proper.

3
4 DATED: November 23, 2009 Respectfully submitted,

5 LAW OFFICE OF CAROL A. SOBEL
6 LAW OFFICE OF REBECCA F. THORNTON


7 
8 By: CAROL A. SOBEL
9 Attorneys for Plaintiffs

10 DEMAND FOR JURY TRIAL

11 Plaintiffs hereby demand a jury trial in this matter.

12 DATED: November 23, 2009 Respectfully submitted,

13 LAW OFFICE OF CAROL A. SOBEL
14 LAW OFFICE OF REBECCA F. THORNTON

15 
16 By: CAROL A. SOBEL
17 Attorneys for Plaintiffs
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV09 - 8636 JFW (FFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

CAROL A. SOBEL SBN 84483
 Law Office of Carol A. Sobel
 429 Santa Monica Blvd., Ste. 550
 Santa Monica, CA 90401
 t. 310 393-3055 f. 310 393-3605

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DEBORAH BURTON and STEVE RICHARDSON,

CASE NUMBER

PLAINTIFF(S)

CV09-8636 JFW (FFM)

v.

CITY OF LOS ANGELES, a municipal entity, SGT.
 ZUNIGA and SGT. WIGGINS, in their individual
 capacities, DOES 1-10, in their individual capacities,
 DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): CITY OF LOS ANGELES, SGT. ZUNIGA, SGT. WIGGINS and DOES 1-10

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, CAROL A. SOBEL, whose address is 429 Santa Monica Blvd., Ste. 550, Santa Monica, CA 90401. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: November 23, 2009

By: _____

SHEA BOURGEOIS

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) DEBORAH BURTON and STEVE RICHARDSON	DEFENDANTS CITY OF LOS ANGELES, SGT. ZUNIGA, SGT. WIGGINS, DOES 1-10
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Office of Carol A. Sobel 429 Santa Monica Blvd., Ste. 550 Santa Monica, CA 90401 t. 310 393-3055	Attorneys (If Known) Carmen Trutanich Los Angeles City Attorney 200 N. Main Street, City Hall East Los Angeles, CA 90012

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> <td style="width:10%; border: none; text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width:35%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> <td style="width:10%; border: none; text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;"></td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;"></td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> <td style="border: none;"></td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2		Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3		Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2		Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5															
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3		Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6															

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ TBD

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Plaintiffs are community activists on Skid Row, who were detained and/or arrested in violation of 42 U.S.C. sec. 1983 and the First and Fourth Amendment.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☐ No ☒ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ YesIf yes, list case number(s): CANGRESS v. City of Angeles, cv 08-01191 DDP

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
- ☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date November 23, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))